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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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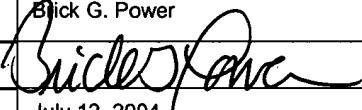
(to be used for all correspondence after initial filing)

Application Number	09/939,253
Filing Date	August 24, 2001
First Named Inventor	James M. Derderian
Group Art Unit	2826
Examiner Name	A. Williams
Attorney Docket Number	2269-4830US (01-0106.00/US)

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Postcard receipt acknowledgment (attached to the front of this transmittal)	<input type="checkbox"/> Information Disclosure Statement, PTO/SB/08A (08-00); <input type="checkbox"/> copy of cited references	<input type="checkbox"/> Terminal Disclaimer
<input checked="" type="checkbox"/> Duplicate copy of this transmittal sheet in the event that additional filing fees are required under 37 C.F.R. § 1.16	<input type="checkbox"/> Supplemental Information Disclosure Statement; PTO/SB/08A (08-00); copy of cited references and Check No. in the amount of \$180.00	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Preliminary Amendment	<input type="checkbox"/> Associate Power of Attorney	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Response to Restriction Requirement/Election of Species Requirement dated	<input type="checkbox"/> Petition for Extension of Time and Check No. in the amount of \$	
<input type="checkbox"/> Amendment in response to office action dated	<input type="checkbox"/> Petition	
<input checked="" type="checkbox"/> Amendment under 37 C.F.R. § 1.116 in response to final office action dated May 11, 2004	<input type="checkbox"/> Fee Transmittal Form	
<input type="checkbox"/> Additional claims fee - Check No. in the amount of \$	<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Letter to Chief Draftsman and copy of FIGS. with changes made in red	<input type="checkbox"/> Assignment Papers (for an Application)	
<input type="checkbox"/> Transmittal of Formal Drawings	Remarks	
<input type="checkbox"/> Formal Drawings ( sheets)	The Commissioner is authorized to charge any additional fees required but not submitted with any document or request requiring fee payment under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account 20-1469 during pendency of this application.	

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Blick G. Power	Registration No. 38,581
Signature		
Date	July 12, 2004	

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James M. Derderian

Serial No.: 09/939,253

Filed: August 24, 2001

For: SEMICONDUCTOR DEVICES AND  
SEMICONDUCTOR DEVICE  
ASSEMBLIES INCLUDING A  
NONCONFLUENT SPACER LAYER  
(AMENDED)

Confirmation No.: 2189

Examiner: A. Williams

Group Art Unit: 2826

Attorney Docket No.: 2269-4830US  
(01-0106.00/US)

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July 12, 2004  
Date

  
Signature

Rachael M. Harris  
Name (Type/Print)

AMENDMENT UNDER 37 C.F.R. §1.116

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Amendment is being filed in response to the Final Office Action mailed on May 11, 2004, the three-month shortened statutory period for response to which expires on August 11, 2004. As July 11, 2004, fell on a Sunday, this response should be deemed to have been submitted within two months of the mailing date of the Final Office Action.

37 C.F.R. § 1.7.

**Amendments to the claims** are set forth in the listing of the claims, which begins on page 2 of this paper; and

**Remarks** start at page 12 of this paper.